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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,496	06/23/2005	Myoung-Kyun Shin	29347/50798	4171
4743 7590 01/09/2008 MARSHALL, GERSTEIN & BORUN LLP 233 S. WACKER DRIVE, SUITE 6300 SEARS TOWER CHICAGO, IL 60606			EXAMINER MCGUTHRY BANKS, TIMA MICHELE	
			ART UNIT 1793	PAPER NUMBER
			MAIL DATE 01/09/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/540,496	Applicant(s) SHIN ET AL.	
	Examiner Tima M. McGuthry-Banks	Art Unit 1793	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
 4a) Of the above claim(s) 9-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-8, drawn to a method.

Group II, claim(s) 9-16, drawn to an apparatus.

The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Groups I and II lack the same or corresponding special technical feature of a melter gasifier, which is only disclosed in Group II.

During a telephone conversation with Sandip Patel on 27 December 2007 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-8. Affirmation of this election must be made by applicant in replying to this Office action. Claims 9-16 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the

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application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Objections

Claim 1 is objected to because of the following informalities: the claim reads on "in the step of converting the mixture to a reduced material directly supplying and combusting" as a separate limitation. For purposes of examination, the examiner interprets the claim as follows: "in the step of converting the mixture to a reduced material, directly supplying and combusting oxygen." Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites "supplying and combusting oxygen immediately prior to steps (a), (b), and (c)" of Claim 6. However, this limitation conflicts with the limitation in Claim 6 of "directly supplying and combusting the oxygen in steps (a) and (b)."

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

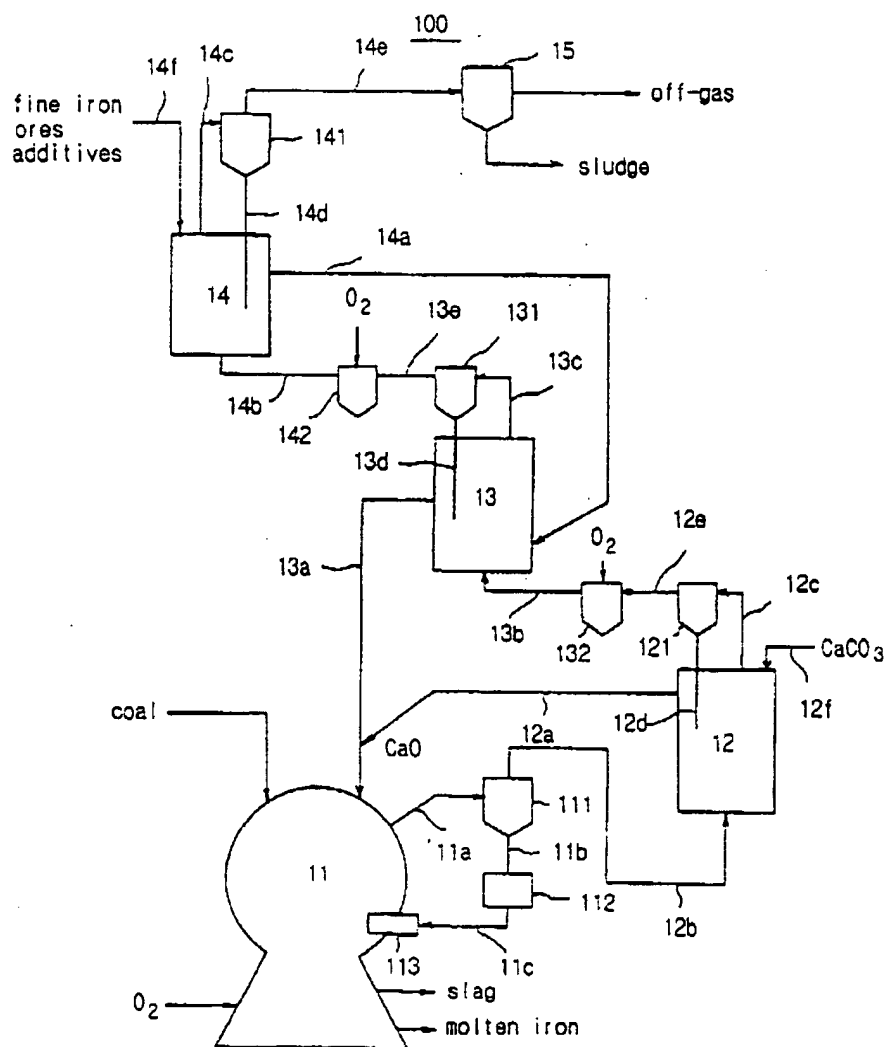
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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Joo et al (US 6,277,324 B1).

Joo et al anticipates the claimed invention. Joo et al teaches manufacturing molten pig iron by using a fine iron ore as shown in Figure 3 below.

FIG. 3



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Fine iron ore and additives are added via supplying pipe 14f. The ore is heated and pre-reduced in fluidized bed 14. It is inherent that the iron ore and additives would be dry, since the temperature is 700-800 °C (column 6, line 67). The preheated and prereduced iron ore is charged into the second fluidized bed 13 and further to calcining furnace 12 for further reduction (column 7, lines 24-29). The melter gasifier 11 is charged with coal, which produces a reducing gas for reducing the iron ore and for calcining (lines 45-47). As shown in the figure, molten iron is tapped from the furnace and oxygen is added. If the supplied gas has too low a temperature, a proper amount of oxygen may be supplied to gas heaters 142 and 132 to burn part of the reducing gas (column 7, lines 13-16); the heaters are upstream from the reaction furnaces (column 8, lines 42 and 43). Regarding Claim 5, oxygen is added when the temperature is below 650 °C (column 7, line 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 2, 3, and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joo et al as applied to Claim 1 above, further in view of Kepplinger et al (US 6,379,420 B1).

Joo et al discloses the invention substantially as claimed. However, Joo et al does not disclose adding H₂O as in Claims 2 and 3 or the steps of directly supplying and combusting oxygen as in Claims 6 and 7. Kepplinger et al teaches a method for producing a hot CO and H₂-containing reducing gas serving for the reduction of fine-grained metal ore (abstract). Regarding Claim 2, to attain intensive cooling of the reducing gas, cooled reducing gas of the same type is advantageously admixed to the reducing gas and H₂O is added into the cooled reducing gas of the same type (column 2, lines 55-69) prior to being fed to the fluidized bed (see Figure below).



Regarding Claim 6, partially oxidized reducing gas is combusted for heating the reducing gas in a combustion chamber 34 into which there runs a duct 35 for supplying an oxygen-containing gas (column, lines 37-42). It would have been obvious to one of ordinary skill in the

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art at the time the invention was made to combust the reducing gas going to the preheating furnace in Joo et al with an oxygen-containing gas as disclosed by Kepplinger et al, since it is well known in the art that combusting reducing gases helps to control reaction temperature, as taught in both Kepplinger et al and Joo et al.

Regarding Claim 7, it is obvious that the step of directly supplying and combusting the oxygen would occur before the pre-heating step, so that the heating of the iron ore and additives can take place. Regarding Claim 8, the water is not added with oxygen.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tima M. McGuthry-Banks whose telephone number is (571) 272-2744. The examiner can normally be reached on M-F 7:00 am - 3:30 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

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like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TMM/ 
3 January 2008


ROY KING
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :2/16/07, 10/23/06, 8/20/07, 6/23/03.